

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Prohibition & Excise Department – Allegation of acquisition of assets disproportionate to the known sources of his legal income and allegations of violation of APCS (Conduct) Rules, 1964 against Sri P. Balamukunda Rao, formerly Deputy Commissioner of Prohibition & Excise (now retired) – Prosecution accorded – Convicted by the trial court – Punishment of withholding of pensionary benefits imposed - Enquiry Conducted in respect of violation of APCS (Conduct) Rules, 1964 – Penalty of recovery of amount “equivalent to the stoppage of one increment for two years without cumulative effect” from the pensionary benefits - Imposed – Appeal filed in the Hon’ble High Court on the trial court’s judgment – Trial Court judgment set aside by the Hon’ble High Court – Further action dropped in criminal case – Suspension period treated as “not on duty” - Punishment imposed for Violation of APCS (Conduct) Rules, 1964 – OAs filed in the Hon’ble APAT – APAT Orders issued – Setting aside the punishments – Implementation of APAT Orders – Orders - Issued.

REVENUE (VIG.V) DEPARTMENT

G.O. Rt. No. 1772

Dt:21.12.2012.

Read the following:-

- 1) G.O. Ms. No.1335, Revenue (X) Deptt., dt.16.10.1986.
- 2) Addl. Spl. Judge for SPE & ACB Cases, Hyderabad judgment dt.16.03.1998 in CC No.33/92, dt.16.03.1998.
- 3) G.O. Ms. No.37, Revenue (Ex-I) Deptt., dt.08.01.1999.
- 4) Hon’ble High Court of A.P. Judgment, dt.03.03.2006 in Criminal Appeal No.50 of 1998.
- 5) G.O. Rt. No.1893, Revenue (Vig.V) Deptt., dt.26.08.2006.
- 6) G.O. Rt. No.1968, Revenue (Vig.V) Deptt., dt.21.10.2008.
- 7) G.O. Rt. No.1969, Revenue (Vig.V) Deptt., dt.21.10.2008.
- 8) Hon’ble APAT Orders, dt.21.08.2012 in O.A. No.10481/2009 and O.A. No.10488/2009 filed by Sri P. Balamukunda Rao, DC P&E (Retd.).

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ORDER:

On the allegation of acquisition of assets disproportionate to the known sources of legal income, the ACB Authorities registered a case in Cr.No.4/ACB-KUR/85 against Sri P. Balamukunda Rao, formerly Deputy Commissioner of Prohibition & Excise, Kurnool (now Retired).

- 2) In the reference 1st read above, sanction was accorded to prosecute the Accused Officer. Accordingly, the ACB has filed charge sheet in the Principal Special Judge for SPE & ACB Cases, Hyderabad.
- 3) In the reference 2nd read above, the Addl. Special Judge for SPE & ACB Cases, Hyderabad convicted the Accused under section 248 (2) Cr.P.C. for the offence punishable u/s. 5 (1)(e) r/w Section 5 (2) of the P.C. Act, 1947 and sentenced Rigorous Imprisonment for two years and to pay a fine of Rs.5,000/- or a Rigorous Imprisonment for three months.
- 4) Based on the above judgment, orders were issued in the reference 3rd read above, withholding all the pensionary benefits of Sri P. Balamukunda Rao, Deputy Commissioner of Prohibition & Excise (Retd.).
- 5) Aggrieved by the Trial Court judgment the individual filed a Criminal Appeal No.50 of 1998 and the Hon’ble High Court, in its judgment vide reference 4th read above, have set aside the conviction and the sentence imposed by the Trial Court.
- 6) In the reference 5th read above orders were issued dropping further action against Sri P. Balamukunda Rao, Deputy Commissioner of Prohibition & Excise (Retd.) and the Commissioner of Prohibition & Excise, A.P., Hyderabad was requested to release all pensionary benefits to the retired officer.

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7) In respect of violation of APCS (Conduct) Rules, the Accused Officer was placed on his defence before the Commissionerate of Inquiries and based on the enquiry report submitted by the Inquiring Authority; in the reference 6th read above, a penalty of recovery of amount of "equivalent to the stoppage of one increment for two years without cumulative effect" from the pensionary benefits was imposed against the Charged Officer.

8) In the reference 7th read above, orders were issued treating the suspension period of Sri P. Balamukunda Rao, Deputy Commissioner of Prohibition & Excise (Retd.) from 24.05.1985 to 18.03.1988 as "not on duty" under FR 54 -B (7).

9) Aggrieved by the above, the individual approached the Hon'ble A.P. Administrative Tribunal by filing O.A. No.10481 of 2009 against the orders issued in G.O. Rt. No.1968, Revenue (Vig.V) Department, dt.21.10.2008 (wherein orders were issued imposing a penalty of recovery of the amount equivalent to the stoppage of one increment for two years without cumulative effect from the pensionary benefits of the individual) and O.A. No.10488 of 2009 against G.O. Rt. No.1969, Revenue (Vig.V) Department, dt.21.10.2008 (wherein orders were issued treating the suspension period of the individual as "not on duty").

10) In the reference 8th read above, the Hon'ble A.P. Administrative Tribunal have issued orders setting aside the above Government orders at reference (7) read above and directed the respondents to treat the period of suspension of the applicant as "on duty" with all consequential benefits, including fixation of his pay, notional promotion, etc., and release his pension and other pensionary benefits, and pass appropriate orders.

11) After careful examination of the matter in detail, Government, hereby decide to implement the orders of the Hon'ble A.P. Administrative Tribunal issued in the reference 8th read above. Accordingly it is hereby ordered to treat the suspension period of Sri P. Balamukunda Rao, Deputy Commissioner of Prohibition & Excise (Retd.) from 24.05.1985 to 18.03.1988 as "on duty" with all consequential benefits, e.g., notional increments, refixation of pay/pensionary benefits, notional promotion, etc., and to refund the amount if any recovered from the individual's pensionary benefits in pursuance of the orders issued in G.O. Rt. No.1968, Revenue (Vig.V) Department, dt.21.10.2008.

12) The Revenue (Excise-I) Department / Commissioner of Prohibition & Excise, A.P., Hyderabad shall take further immediate necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri P. Balamukunda Rao, Deputy Commissioner of Prohibition & Excise (Retd.)
through the Commissioner of Prohibition & Excise,
A.P., Hyderabad.
The Revenue (Excise-I) Department.
The Commissioner of Prohibition & Excise, A.P., Hyderabad.
(with a request to serve the order to the individual and furnish
the served copy for record.)

Copy:

The District Treasury Officer concerned.
The Director of Treasuries & Accounts, A.P., Hyderabad.
The Accountant General, A.P., Hyderabad.
The Government Pleader for Revenue (Ser.),
A.P. Administrative Tribunal, Hyderabad.
File/SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER